

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 543D.5, the Iowa Real Estate Appraiser Examining Board hereby gives Notice of Intended Action to amend Chapter 2, “Definitions,” Chapter 10, “Reciprocity,” and Chapter 11, “Continuing Education,” Iowa Administrative Code.

The proposed amendment to Chapter 2 amends the definition of “USPAP” to remove the word “annually.”

Chapter 10 addresses individuals who are certified appraisers outside the state of Iowa but wish to practice as certified appraisers in Iowa, either temporarily or by reciprocity. The proposed amendments to Chapter 10 are intended to clarify the rules for a non-Iowa certified appraiser who performs an appraisal that requires a certified appraiser but who only needs temporary approval for the project. The clarity given to these rules will enhance the good will of the state of Iowa toward certified appraisers wishing to practice temporarily or permanently within the state.

Proposed amendments to Chapter 11 revise definitions related to continuing education for “live instruction” and “home-study/correspondence program” and adopt a new definition of “distance education.” The Board also proposes to remove the continuing education requirement that all appraisers complete a report-writing class prior to certification renewal. This provision was implemented with the intent that all appraisers take a report-writing course at least two times over four years. This provision has served its purpose and it is time to remove it.

There is no fiscal impact to the state of Iowa.

A public hearing will be held on September 27, 2011, at 9 a.m. in the Second Floor Professional Licensing Small Conference Room, 1920 SE Hulsizer Road, Ankeny, Iowa, at which time persons may present their views on the proposed amendments either orally or in writing. At the hearing, any persons who wish to speak will be asked to give their name and address for the record and to confine remarks to the subject of the proposed amendments.

Consideration will be given to all written suggestions or comments received no later than 4:30 p.m. on September 27, 2011. Comments should be addressed to Toni Bright, Executive Officer, Iowa Real Estate Appraiser Examining Board, 1920 SE Hulsizer Road, Ankeny, Iowa 50021; or faxed to (515)281-7411. E-mail may be sent to toni.bright@iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 543D.6.

The following amendments are proposed.

ITEM 1. Amend rule **193F—2.1(543D)**, definition of “USPAP,” as follows:

“USPAP” means the Uniform Standards of Professional Appraisal Practice published ~~annually~~ by the Appraisal Foundation.

ITEM 2. Amend subrule 10.2(1) as follows:

10.2(1) The board will recognize, on a temporary basis and for a maximum of two assignments per year, the certification or ~~license~~ of an appraiser issued by another state.

ITEM 3. Adopt the following new subrules 10.2(3) to 10.2(8):

10.2(3) An appraiser holding an inactive or lapsed certificate as a real estate appraiser in Iowa may apply for a temporary practice permit if the appraiser holds an active, unexpired certificate as a real

estate appraiser in good standing in another jurisdiction and is otherwise eligible for a temporary practice permit.

10.2(4) An appraiser who was previously a registered associate or certified appraiser in Iowa whose Iowa registration or certificate has been revoked or surrendered in connection with a disciplinary investigation or proceeding is ineligible to apply for a temporary practice permit in Iowa.

10.2(5) The board may deny an application for a temporary practice permit if the applicant has been disciplined in Iowa or another jurisdiction, a disciplinary investigation or proceeding is pending in Iowa, the person has been convicted of a crime that is a ground for discipline in Iowa, or it appears the applicant is applying for a temporary permit because the applicant would not qualify to renew or reinstate in active status in Iowa and the application for a temporary permit is made primarily to compromise compliance with Iowa laws and rules.

10.2(6) An appraiser holding an inactive or lapsed Iowa certificate who applies to reinstate to active status in Iowa shall not be given credit for any fees paid during the biennial period for one or more temporary practice permits.

10.2(7) An appraiser holding a license to practice as a real estate appraiser in another jurisdiction may practice in Iowa without applying for a temporary practice permit or paying any fees as long as the appraiser does not perform appraisal services in Iowa for which certification is required by state or federal law, rule or policy.

10.2(8) The board must receive and approve an application for a temporary practice permit before the applicant is eligible to practice in Iowa under a temporary practice permit. Applicants are encouraged to submit applications by E-mail or facsimile to avoid the possible delays of mail service, because the board will not approve an application with a retroactive start date. The board shall grant or deny all applications for temporary practice permits as quickly as reasonably feasible and no later than five days of receipt of a completed application. Applicants shall use the form prescribed by the board. Applicants disclosing discipline or criminal convictions shall attach documentation from which the board can determine if the discipline or criminal history would be a ground to deny the application. Falsification of information or failure to disclose material information shall be a ground to deny the application and may form the basis to deny any subsequent application or an application to reinstate a lapsed or inactive Iowa certificate.

ITEM 4. Amend rule **193F—11.1(272C,543D)**, definitions of “Home-study/correspondence program” and “Live instruction,” as follows:

~~“Home-study/correspondence program,” means a computer-generated program, such as CD-ROM, or written materials or exercises intended for self-study, which does not include simultaneous interaction with an instructor but does include tests transmitted to the provider for review and grading as that term relates to Iowa Code section 543D.16(2), refers to self-study programs which are not generally approved by the Appraisal Qualifications Board for continuing education credit because such courses do not usually provide a reciprocal environment where the student has verbal or written communication with the instructor. The statutory limitation on correspondence and home study courses does not apply to interactive programs that are approved by the Appraisal Qualifications Board and AQB-approved delivery mechanisms.~~

~~“Live instruction” means an educational program delivered in a classroom setting or through videoconferencing whereby the instructor and student carry out essential tasks while together where both the student and the instructor are present in the same room.~~

ITEM 5. Adopt the following new definition in rule **193F—11.1(272C,543D)**:

“Distance education” means any education process based on the geographical separation of student and instructor. “Distance education” includes computer-generated programs, webinars, and home-study/correspondence programs.

ITEM 6. Amend rule 193F—11.2(272C,543D) as follows:

193F—11.2(272C,543D) Continuing education requirements.

11.2(1) Certified residential, certified general and associate appraisers must demonstrate compliance with the following continuing education requirements as a condition of biennial renewal:

a. to *c.* No change.

~~*d.*—Effective with renewals commencing in June 2008, appraisers must successfully complete a seven-hour course in report writing each two-year renewal cycle.~~

11.2(2) A maximum of 14 of the required 28 credit hours may be acquired in approved ~~home study/correspondence~~ distance education programs.

11.2(3) No change.

11.2(4) An applicant seeking to renew an initial certificate or registration issued less than 185 days prior to renewal is not required to report any continuing education. An applicant seeking to renew an initial certificate or registration issued for 185 days to 365 days prior to renewal must demonstrate completion of at least 14 credit hours, including ~~at least 7 credit hours of report writing and~~ 7 credit hours of the most recent National USPAP Update. An applicant seeking to renew an initial certificate or registration issued 365 days prior to renewal or more must demonstrate completion of at least 28 credit hours, including ~~at least 7 credit hours of report writing and~~ 7 credit hours of the most recent National USPAP Update.

11.2(5) to 11.2(9) No change.

ITEM 7. Amend rule 193F—11.4(272C,543D) as follows:

193F—11.4(272C,543D) Minimum program qualifications.

11.4(1) No change.

11.4(2) Continuing education programs dealing with the following subject areas that are integrally related to appraisal topics will generally be acceptable:

a. to *o.* No change.

p. Real estate law, easements, and legal interests;

q. to *w.* No change.

11.4(3) The following programs will not be acceptable:

a. to *d.* No change.

e. ~~Home study/correspondence~~ Distance education programs which are not tested and successfully completed;

f. No change.

11.4(4) and 11.4(5) No change.